and they are released for public sale. Whatever we say in the House are printed in the proceedings and they are made available for public sale. The only unfortunate thing is that the proceedings are made available to the public three or four months after the discussions take place.

THE HON. SRI C. SUBRAMANIAM : I am sorry the hon. Member does not see the other obvious difference, namely, that only very few persons like hon. Members would look into the printed proceedings while on the other hand millions of people would read the newspaper reports.

* SRI P. RANGASWAMI REDDIAR : May I know whether it is the object of the Government that the proceedings of the House should not be read by the public? In a true democracy . . .

THE HON. SRI C. SUBRAMANIAM : Only if it is objectionable.

MR. SPEAKER : May I know whether the hon. Member is withdrawing his motion?

SRI P. RANGASWAMI REDDIAR : Sir, I am not withdrawing it.

MR. SPEAKER : The question is—

"That the Madras Legislative Proceedings (Protection of Publication) Bill, 1956 (L.A. Bill No. 16 of 1956), be taken into consideration."

The motion was put and lost.

(3) THE DEVOLUTION OF STHANAM PROPERTIES MANAGEMENT BILL, 1956 (L.A. BILL NO. 17 FO 1956).

* SRI M. NARAYANA KURUP : Mr. Speaker, Sir, I beg to move—

"That the Devolution of Sthanam Properties Management Bill, 1956 (L.A. Bill No. 17 of 1956), be taken into consideration."

This Bill has become necessary to meet the situation arising out of the Hindu Code Bill. Sir, Sthanams are institutions mainly prevalent in Malabar. There are a good number of them and some of them are very rich institutions holding extensive properties. The main characteristic of this institution is that the eldest member of a Tharvad or of different Tharvads enjoys the income from the institution for his lifetime. His position in some judicial decisions has been compared to that of a 'widow's estate'. There has been some opinion growing whether in a socialistic pattern of society these institutions should be allowed to continue and whether they should not go into dissolution.

11-10 a.m. Sir, sub-section (3) of section 7 of the Hindu Succession Act, 1956, dealing with intestate succession, runs thus :

"Notwithstanding anything contained in sub-section (1), when a Sthanamdar dies after the commencement of this Act, the

27th September 1956] [Sri M. Narayana Kurup]

Sthanam properties held by him shall devolve upon the members to which the Sthanamdar belong and the heirs of the Sthanamdar as if the Sthanam property had been divided *per capita* immediately before the death of the Sthanamdar among himself and the members then living and the shares falling to the members of his family and the heirs of the Sthanamdar shall be held by them as their separate property.

"*Explanation.*—For the purpose of this sub-section, the family of a Sthanamdar shall include every branch of the family, whether divided or undivided, the male members of which would have been entitled, by custom or usage, to succeed to the possession of Sthanamdar if this Act had not been passed."

Now, I may explain the scope of the section by taking a concrete example. We may take the biggest Sthanamdar in Malabar, the Zamorin of Kozhikode. He holds extensive properties and pays assessment to the tune of Rs. 2 lakhs. Now, after the commencement of this Act, if the present Zamoorin dies, the position will be that there will be no further Sthani. The persons entitled to succeed to this Sthanam belong to four different families. Usually, the eldest of them would succeed. The Zamorin's family including the branches may contain nearly about three hundred members and the section provides that it shall be deemed as if the Sthanam properties had been divided *per capita* among these 300 persons. We can very well visualize the situation. After the Sthani's death, who is to manage these properties? The property will be deemed to have been divided among these 300 persons. We cannot expect that all the 300 members will come to an agreement with respect to the division of the property or will agree among themselves that a particular man should manage the property pending settlement of the dispute. If a suit for partition is filed in a court by any individual member, practically it will be beyond his capacity to manage. He can neither get information with regard to all the properties nor can he have the resources to file a partition suit immediately, including all of them as parties to the suit. So, in effect, it will mean that this extensive property belonging to 300 persons will be no man's property for a considerable period of time. This Bill suggests a simple transitory provision and it says that pending settlement or direction of the court, the estate shall immediately vest in the Court of Wards. No separate machinery is necessary. I may also inform the House that some of the Sthanam properties are to-day managed by the Court of Wards. For instance, the Kudiraivattam Nair's property is managed by the Court of Wards. I have, therefore, with good intentions, brought forth a Bill, which is felt necessary by the would-be heirs of the Sthanamdars. If there is no such interim measure for the management of the property, the whole property will go to ruin and for practical purposes it will be no man's property. If there were one or two or a few cases, I would not have brought up this Bill. But there are a number of Sthanams in Malabar and there are very big Sthanams

[Sri M. Narayana Kurup] [27th September 1956

like that of Mannarghat Nair, Chirakkal Raja, etc. I therefore submit that there is a duty cast upon the Government also. We want that food production should increase. We want the resources of the country to be conserved and in order to provide resources for our Second Five-Year Plan, it will be better if these Sthanam properties are looked after by the Government and the income derived therefrom is conserved. As I stated, one of the present Sthanams is managed by the Court of Wards. Formerly, the estate of Kavalappara Nair was managed by the Court of Wards. Perhaps Parliament did not realise the difficulties in the way or they might have thought that this is a matter to be taken up by the State Legislature. They simply enunciated the principle that all Sthanams shall cease to exist on the death of the present Sthani in conformity with the socialistic principle, without paying much attention to the practical difficulties. If there are any other reasonable means of conserving this property, I would not have brought forth this legislation. I suppose that nobody from Malabar would oppose this Bill. If anybody opposes the principle, I do not want it to be taken up or passed. If the consensus of opinion is in favour of the Bill and if the Government think that there is no legal difficulty, it may be taken up. I do not say that simply because there is consensus of opinion, the Government should pass any Bill. They may examine the position and if any difficulties are pointed out, I do not want to proceed further with the Bill. I, therefore, move that the Devolution of Sthanam Properties Management Bill be taken into consideration.

SRI T. C. NARAYANAN NAMBIAR: Sir, while seconding wholeheartedly the motion of the hon. Member, Sri M. Narayana Kurup, I wish to make only one or two observations. This is not at all a controversial measure. I am sure that all the Members from Malabar will unanimously support this Bill. This Bill has been brought forward with a view to provide for the management of the Sthanam properties. Consequent on the implementation of the Hindu Succession Act, the property shall devolve upon the members of the families of the Sthanis to which the Sthanamdars belonged. No provision has been made in that Act for the management of the property. During the interim period, pending settlement of the dispute, somebody has to manage the properties and provision is made in this Bill that the property shall vest in the Court of Wards immediately after the death of the Sthani. I hope there will be no objection to this Bill and I request all hon. Members to support this Bill.

MR. SPEAKER: Motion moved—

"That the Devolution of Sthanam Properties Management Bill, 1956 (L.A. Bill No. 17 of 1956), be taken into consideration."

The Bill is now before the House for discussion.

11-20 a.m. * DR. K. B. MENON: Sir, I wholeheartedly support the amending Bill sponsored by my colleague Sri Narayana Kurup. The inefficiency of management of the Sthanam property after

27th September 1956] [Dr. K. B. Menon]

the Sthani's death and before its division among the members of the families of the Sthani is a notorious fact throughout Malabar. The interim period is a real problem. Immediately after the death of a Sthani, the heirs may not be in a position to take possession of the Sthanam properties. If immediately after a Sthani's death, the properties vest in a Court of Wards, as the amendment suggests, the Court of Wards may institute a careful study of the properties, retain them in proper hands and enhance the efficiency of management.

Sri V. R. KRISHNA AYYAR : Sir, as was pointed out by the sponsor of the Bill, there is hardly anything controversial about this Bill. The Hindu Succession Act, 1956, provides that on the death of a Sthani, the Sthanam properties shall devolve upon the members of the families of the Sthani. It is not likely that immediately after a Sthani's death, all the heirs would come to an agreement with regard to management or division of the properties. When there is litigation, somebody has got to be in charge of the properties till the litigation is disposed of. Otherwise, there will be negligence and waste of property. This Bill provides for the Court of Wards taking over and managing the properties during the intervening period. I do not think property rights of the people of Malabar are involved in this case. This only relates to the management of properties of persons who are entitled to them and can get them when they claim them. In fact, the Court of Wards took over the management of properties when there were no proper successors. In all cases where the Sthani was a minor or an insane person, the Court of wards used to be put in charge of the properties. The same principle can be applied here also. There is no possible or conceivable objection to this Bill. I, therefore, commend the Bill for the acceptance of the House.

The Hon. Sri C. SUBRAMANIAM : I have heard with great attention the arguments put forward by the Mover and the very staunch supporters of this Bill. The object of the Bill seems to be to protect the property rights of certain persons. Let us take the example of landed property. The land will be in the occupation of the tenants and whether the Sthani is alive or dead, tilling of the land will go on. The only question that will arise on the death of a Sthani will be the collection of rent or the protection of the family house or the safeguarding of the various cash deposits that he might have made. This Bill seeks to protect certain property rights. I do not see why the Communists should be so enthusiastic about protection of property rights. I thought they would like property rights to be disintegrated. On the other hand, they want them to be protected.

Apart from these arguments, what we have to consider is this. Are Sthanam properties the only properties which will devolve on a large number of people and give rise to disputes? Are there no other kinds of properties which will devolve on a large number of

people and give rise to disputes? Even in respect of Sthanam properties it is not in every case that disputes will arise in regard to management or division; in some cases there may be complete agreement between the various heirs. In spite of all this, Mr. Kurup says: "We do not care about the other Tarwad properties. There is the Sthanam of the Zamorin of Kozhikode and we want to protect only the Sthanam properties." Even when there is agreement about management or division between the heirs, it is said that the heirs should not take charge of the property but that the Court of Wards should necessarily intervene in every case of a Sthani's death. That is one aspect of it.

Another aspect of it is this. We are on the eve of partition. Is this measure so urgent as to be rushed through at this juncture, as though we are wishing that some Sthanis should die and that this Act should come into force before the date of partition? I hope that such a contingency will not arise.

My own view is that there is no necessity for this Bill. Even hon. Members from Malabar think that, even though there may be necessity, there is no urgency for it. Considering that we are on the eve of partition, we cannot lend Government support to the passing of this Bill whose implications and complications will have to be fully examined. The Government are unable to lend their support to the passage of this Bill in a hurried manner just on the eve of partition. If the Bill is good enough, I am sure it will be taken up by the future Kerala Legislature, and if it is urgent, the Parliament will look after it. I do not think the Mover is justified in asking the Government to see that the Bill is passed now on the eve of partition.

SRI P. RAMAMURTHI: Sir, I want to answer the point which the Hon. Sri C. Subramaniam raised as to why the Communist Party of all parties should be interested in protecting certain property rights. As far as the Communist Party is concerned, certainly it would like the landed estates to be taken over by the State and the land distributed among the tillers of the soil. Pending such a measure, we would certainly like that the properties are not squandered away for the benefit of some private individuals. That is the only object with which the Communist Party Members support this Bill.

As to whether this Bill is necessary and urgent, the Members from Malabar are in a better position to decide it, and they will speak about it.

SRI V. R. KRISHNA AYYAR: Sir, I would just briefly speak on the two points which the Hon. Leader of the House put forward in support of the attitude he took which is not unusual with him. He said that in respect of Tarwad properties also, there may be disputes about succession or management. There is a Karnavan to manage the Tarwad property, and if he dies the next Karnavan in succession takes charge of the property. The Hindu Succession Act, while providing that the properties shall devolve upon the members of the families of the Sthanis, does

27th September 1956] [Sri V. R. Krishna Ayyar]

not provide any machinery for the management of the properties after the Sthani's death. That lacuna is sought to be rectified by this amendment.

The Hon. Leader of the House said that there was no urgency. Urgency for this Bill depends upon the urgency with which call from Providence comes to these old and aged Sthanis. Every one of them will be an octogenarian. If one Sthani dies, there will be a crisis. A Sthani may have under his control even Devaswom property and there will be absolutely no control over it.

THE HON. SRI C. SUBRAMANIAM : Are there no remedies available under the existing law? The hon. Member is a lawyer and he should know the position better.

SRI V. R. KRISHNA AYYAR : Sir, the Hon. Minister says that parties can to courts. Going to court is no protection. The point for consideration is, should we drive the parties to go to court. When a Sthani dies, there should be a machinery created so that the arrangements may be complete. I do submit that there is really not much force in the arguments advanced. But, of course, there is much in the attitude taken. 11-30 a.m.

* SRI M. NARAYANA KURUP : Mr. Speaker, Sir, of course the hon. Member who spoke last stated all I wanted to say. It is not as if—probably I have not been understood—we want to maintain the position of Sthanis and their property rights. It is just the other way about. As I said, the institution of Sthani has been done away with, but by oversight, the intention of that legislation could not be implemented because of this defect. Sir, here there is no comparison with joint families, because in the case of joint families, one can wait till partition and then take his share when he likes. But here it all depends on an involuntary act, that is, the death of the Sthani. It is all very well to say that one can go to court. But before going to court, one must be armed with certain facts which, in the nature of things, as I said in the case of a big sthanam, it is impossible for a junior member or a distant member to collect within a reasonable time. Property, though for the time being is enjoyed by a particular person, none the less is a social asset, and the Government have to see that the sum total of the property, though the management of it for the time being is vested in some person or other, is not destroyed but kept intact. It is only in that spirit that I brought forward this Bill and not with a view to helping any landed interest or property interest. This Bill has been brought forward to implement further the intention of the Hindu Succession Act. Of course, in view of the attitude taken by the Government, I think I cannot with success press my motion in this House. Inasmuch as the Hon. Minister has expressed the Government's inability to accept the motion, I may be permitted to withdraw it, Sir.

MR. SPEAKER : I take it that the House gives leave to the hon. Member to withdraw his motion.

The motion was, by leave, withdrawn.